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# GUIDE TO MUSIC COPYRIGHT FOR AUSTRALIAN EDUCATORS

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# CHAPTER ONE: INTRODUCTION

This guide is designed for instrumental and vocal music teachers around Australia who teach in studios, schools and at home. It exists to help dispel some of the myths surrounding copyright, explain how it works, and to help you seamlessly integrate copyright awareness into your day-to-day business.

There are some limited exceptions in the *Copyright Act (1968)* (the Act) that cover schools, universities and colleges for different uses of creative materials. However, there are many further uses of those materials that fall outside the allowances in the Act, so it is important to know when those further uses come into play.

Schools, universities and many colleges can obtain blanket educational licences through societies like **APRA AMCOS**, **ARIA** and **PPCA**. Private and peripatetic teachers, however do not qualify under these blanket licences and therefore need to make sure they are obtaining licensing for their needs on a case-by-case basis.

**That is why this guide is useful. It is a one-stop-shop to help music educators understand how copyright works, why it is important and where to obtain licensing.**



## WHAT ARE APRA AMCOS AND ARIA PPCA?

Each of these is a separate, non-profit organisation governed by a Board of Directors. While all of these organisations collect and pay royalties, they each deal with different kinds of music uses.

### APRA AMCOS

representing the Australasian Performing Right Association and the Australasian Mechanical Copyright Owners Society collects royalties for the public performance of musical works (in a business, at a concert) and the reproduction of these musical rights (digital downloads, recording an album).

represents music publishers, composers and songwriters

### PPCA

(Phonographic Performance Company of Australia) collects royalties for the public performance of sound recordings, (in a cafe, business or concert etc)

represents record company labels and artists who create sound recordings

### ARIA

(Australian Record Industry Association) collects royalties for the reproduction of those sound recordings, for example burning an existing sound recording onto a CD for commercial use.

**So while all four societies license different kinds of uses, between them they make sure composers, publishers, recording artists and record labels are getting the royalty payments they deserve.**

## WHAT IS COPYRIGHT?

It is so important to understand why copyright law exists. If you don't understand the basics, then it is very hard to reconcile why meeting your copyright obligations is so imperative.

**Copyright laws exist to protect the rights of creators and those who invest in them to make sure they are fairly paid for the use of their work. This provides a very valuable and necessary income stream to composers, writers, artists and other creators.**

Copyright is a Federal law. It is governed by the *Copyright Act (1968)*. The Act grants creators of original works – be they literary, dramatic, artistic or musical works – a bundle of rights. These rights are granted automatically once the work is committed to a physical form such as writing it down or recording it.

There is no need to register to have your work protected by copyright in Australia.

These are *exclusive* rights given to the creators; which means that if anyone else wants to do any of these things, they must have the permission of those creators first.

**Therefore, if I want to reproduce (which means make a copy essentially) a piece of sheet music, I must obtain the permission of the copyright owner.**

Obviously the Act isn't quite that simple. It gives a whole number of circumstances in which permissions aren't required – for example you might not need to obtain permission from a copyright owner if you are reporting the news – and we will go through the ones which could be applicable to you later on in the guide.

For now though, the most important thing to remember is that when someone creates a musical work, they get to control how it is used and anyone who wants to use it, needs to have their permission.



## HOW TO KNOW IF A WORK, EDITION OR SOUND RECORDING IS PROTECTED BY COPYRIGHT

The rights we mentioned above are only applicable to a musical work, edition or sound recording for a certain number of years. Once the duration of copyright protection runs out, the work is in the public domain and the rules of usage no longer apply.

**There is a different copyright duration applicable to the musical work – being the music and lyrics – than there is to the sound recording or publication that might house that work.**

### **Copyright in the Musical Work**

The way to know if a musical work is protected by copyright is to find out if and when the creators died. The Act states that a work is protected by copyright from the moment it is committed to a physical form, until 70 years after the death of the creator – which means the composer, lyricist and arranger as applicable.

Until 2005, the duration of copyright was from when it was committed to a physical form until 50 years after the death of the creator. In 2005, there was a reform to the Act that extended the duration of copyright protection another 20 years to 70. But, what does this mean for works that went out of copyright under the 50 year rule, but then needed to come back in under the 70 year rule?

**Long story short, this means that you need to make sure that the composer, lyricist and arranger of the musical work died before 1955 if you want to exercise any of the rights we mentioned above – including photocopying – without permission from the copyright owner.**

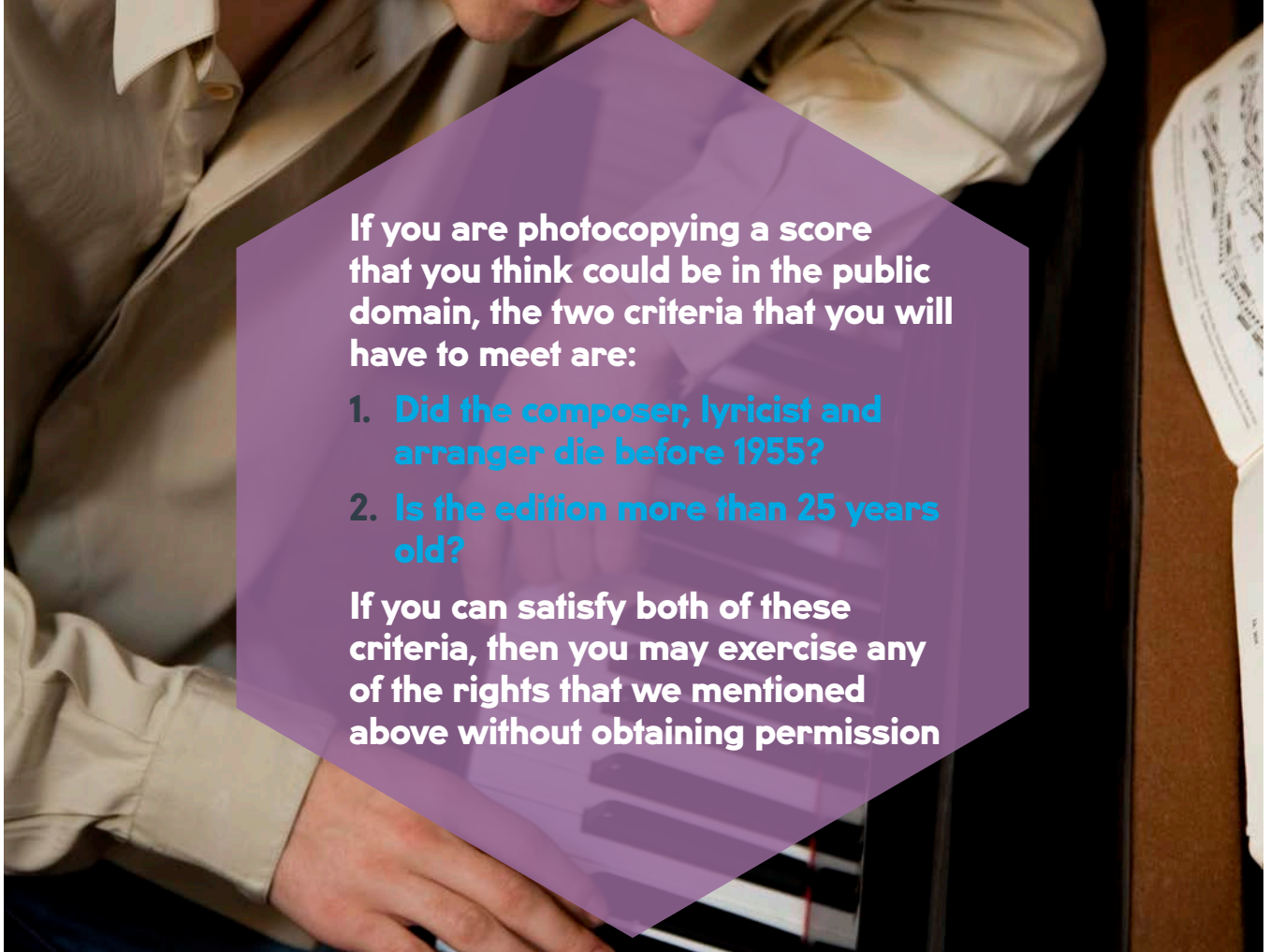
### **CASE STUDY**

Take Béla Bartók as an example. Bartók died in 1945 which means under the 50 year rule, his works went out of copyright in 1995. So when the law was changed to extend the duration of copyright, his works had already been in the public domain for 10 years. Under the 70 year rule, it would mean that the works would come back into copyright for another 10 years. Since this wasn't really a fair way of implementing the change it was decided that anything that went out of copyright under the 50 year rule would stay out, and anything still protected in or created after 2005, would have its duration extended.

## Copyright in the Published Edition

To go one step further however, you also need to make sure that the published edition *containing* the musical work (i.e. the printed sheet music) is also out of copyright in order to copy it without permission. This is because published editions are protected by their own copyright duration of 25 years from the end of the year in which they're published. Someone has taken the time to design, lay-out and typeset that score, so their work needs to be protected too, not just the musical work itself.

This means that even though the musical work – say a Bach *Chorale* – is in the public domain, the published edition containing that work may still be protected by its own 25 year copyright duration.



**If you are photocopying a score that you think could be in the public domain, the two criteria that you will have to meet are:**

- 1. Did the composer, lyricist and arranger die before 1955?**
- 2. Is the edition more than 25 years old?**

**If you can satisfy both of these criteria, then you may exercise any of the rights that we mentioned above without obtaining permission**

### **If your score does not satisfy these criteria, then you need to keep reading!**

It's also important to note at this point that just because a work is out of print doesn't mean it's out of copyright so it's best not to make assumptions of copyright status based on this – always remember to satisfy both of the criteria above.



## Copyright in a Sound Recording

Just like a published edition a sound recording can be protected by copyright too, even though the work it contains is in the public domain. A sound recording is protected for 70 years from the end of the first year it is released.

This means a recording released on July 4 1990 will be protected until December 31 2060.

Similar to the musical work, the duration of copyright in a sound recording used to be 50 years from the end of the

release year. When it changed to 70 years in 2005, sound recordings that had already gone out of copyright under the 50 year rule stayed out, and anything still protected or created thereafter had its duration extended.

So if the recording was released before December 31 1955 then it is in the public domain. If it was released anytime thereafter, then it is still in copyright and licensing or permission must be sought to exercise any rights in that recording.

## CHAPTER TWO: COPYING SHEET MUSIC

There comes a time in every music teacher's career when they would like to photocopy a piece of sheet music. It could be a practice copy for the student, a great piece you find in the library but can't buy elsewhere, or even an additional piece to add to the list for a student's examinations. Whatever the reason you want to make the copy, you need to think about the copyright implications that could come into play.

If the work is still protected by copyright, this means that you require permission or licensing to reproduce it. A reproduction could be a photocopy, scan, transposition, transcription (even by ear) or photograph of a copyright work. All of these things result in you having a 'copy' of that work, so you need to make sure you get permission from the copyright owner to be able to exercise their reproduction right.



**So how do you get permission? In almost all cases, you need to go to the copyright owner directly. This is usually a music publisher representing the rights of the creator, but it could be the creator his or herself in some circumstances.**

APRA AMCOS is able to help you find the right person to ask permission of if you email [print@apra.com.au](mailto:print@apra.com.au) with the title, composer/lyricist/arranger details (keeping in mind that the performer isn't necessarily the writer so you may need to do some research) and any other information you have – such as the publisher details on the original score.

APRA AMCOS will then put you in touch with the music publisher or creator who looks after the copyright in that work. They will then issue reproduction licences on a case-by-case basis. You need to do this for every musical work that you want to copy if it or the edition containing it is protected by copyright.

This applies to both hardcopies and digital copies (such as scanning into notation software like Sibelius to email to students). Make sure you are clear with the publisher as to whether you are making a hard or digital copy as this will affect the licence they will issue.

### EXAMPLES OF WHEN YOU COULD REPRODUCE MUSIC WITHOUT PUBLISHER PERMISSION

The Act outlines situations where copyright permission is not required. On top of this, there are also situations where AMPAL members have given limited waivers for students and educators to make copies without permission. Some of these are:

#### *Simplifying Music*

If you own the original sheet music you may simplify it by writing on the score or handwriting a bar on stave and sticking it to the original. This is for things like bringing a note down an octave, having the student play quavers instead of semiquavers in an ostinato or changing a dynamic marking. If the simplification requires to you rewrite or arrange the musical work, then you will need publisher permission.

#### *Key Changes for Performance*

If you have a student who is unable to transpose at sight, or cannot sing in the key required, or the piece is not available for sale in the key in which you need it, you may make one transposition – that is an exact transcription, you cannot make changes – of the particular part for the sole purpose of performing that work. You must own the original score though in order to do this.

#### *Difficult Page Turns*

We have all experienced a score that gives you very little time to make a page turn during a performance. If you have been blessed with one such score you may make a photocopy of the next page and use that copy in conjunction with the original score, for ease of page turns. You may not copy the entire work or movement to avoid page turns altogether though, nor can you scan it to load onto a tablet to avoid pages completely. You have to use the copied page in conjunction with a legal original to be able to do this.

#### *Enlargements for Impaired Vision*

If you own the original sheet music and you are unable to read the notation due to impaired vision, you may make an enlargement of that work for your own personal use in lessons.

#### *Making a copy when the accompaniment is not available separately*

There comes a time when you have a work for a soloist and accompanist and lo and behold, the parts come as one score. If you find yourself in this situation and the accompaniment is not available separately to the solo part, then you may make a copy of the score for use by the accompanist in performance and rehearsal. If you are using it in an exam, competition or eisteddfod, you need to fill out the form mentioned below in Chapter Seven which can be found on the [APRA AMCOS website](#). The copy needs to be destroyed after the final performance so make sure you get it back from the accompanist!



## EXCEPTIONS IN THE COPYRIGHT ACT

As we have mentioned, there are exceptions in the Act that allow certain uses of copyright materials without permission from the copyright owner, such as when reporting the news. Some of these exceptions are not applicable to teachers, but some are definitely worth noting.

For example, under section 200 of the Act, it is not an infringement to reproduce a musical work as part of the question in an examination – such as a music theory exam – or as part of the answer to such a question.



Another notable resource for understanding the exceptions in the Act is [www.smartcopying.edu.au](http://www.smartcopying.edu.au) which is run by the Copyright Advisory Group for Schools and TAFEs but it also has some information that is relevant to independent teachers.

## CHAPTER THREE: MAKING ARRANGEMENTS

When you make an arrangement of a copyright work, you are usually exercising two kinds of rights. The first is the right of adaptation which means that you are adapting the original to be something new – even if you are just changing a couple of chord progressions or the instrumentation. Then you are writing out your arrangement, or copying it in some way to give to performers or students and this is a reproduction.

This means that you need to obtain permission from the copyright owner to exercise two of their exclusive rights. There is no licence available through an organisation like APRA AMCOS to cover arrangements; it is a right that always sits with the original copyright owner to license directly.

**APRA AMCOS can help you get in touch with the copyright owner if you email the title and composer/lyricist/arranger details to [print@apra.com.au](mailto:print@apra.com.au). If you have more than five works for which you need to seek permission, please let AMCOS know first so they can send you the permissions template.**

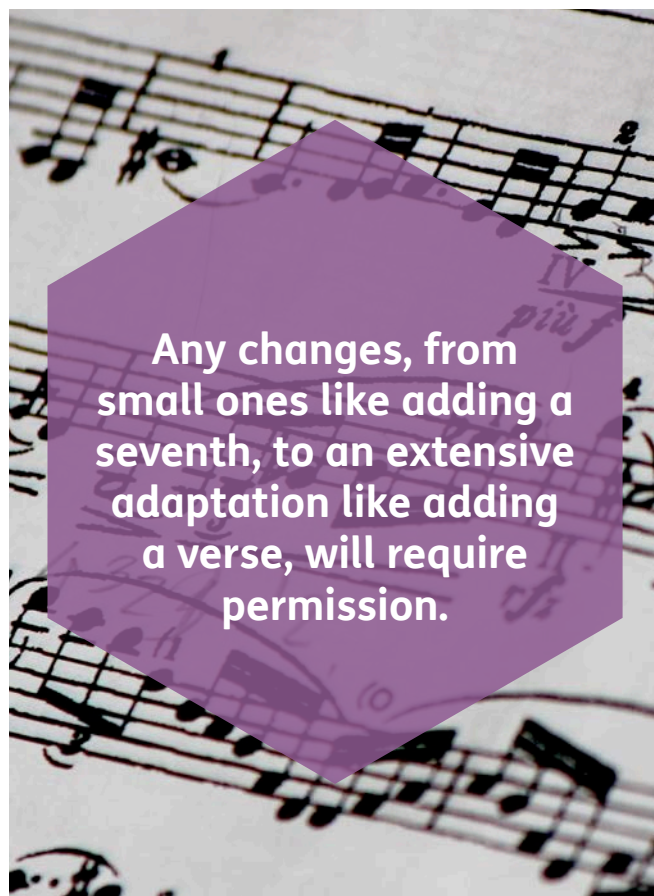
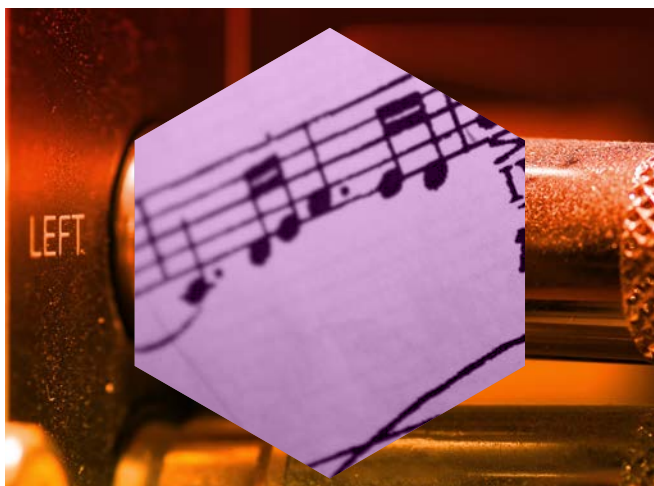
Once you know who they are, you need to liaise with the copyright owner – usually a music publisher – to obtain permissions.

It's important to keep in mind that if the work is in the public domain, then no permissions are required to use it. It is only when the work is still protected by copyright that you must seek permission.

It's also good to keep in mind that the publisher who prints the edition, and is noted on your sheet music, doesn't necessarily own the copyright in the musical work. This is because, as we outlined above, there is a separate copyright in the musical work than there is in the published edition that contains it.

Finally, you should note that there are some exceptions in the Act which may allow you to make an arrangement without permission – for example you may be permitted to do so in a course of instruction, by hand as long as no reproductions are made.

**Check the [Arts Law](#) or the [Australian Copyright Council](#) websites as they can provide detailed information on these exceptions.**



### WHO OWNS THE COPYRIGHT IN AN ARRANGEMENT?

This depends on whether the original work is still in copyright or if it is in the public domain. If the work you are arranging is in the public domain, then you will be the copyright owner of the new arrangement. This means that you are granted the bundle of rights we mentioned in the introduction and you can control how your work is used.

However, if you are arranging a copyright musical work, and you have obtained an arrangement licence from the original creator (or their music publisher), then they will usually retain the copyright in your arrangement. This is because if you arrange *Born to Run* by Bruce Springsteen – for example – and change the instrumentation and maybe a few of the chord structures (like adding a seventh), then you have not created a new work, you have simply adapted an existing one. Therefore, Springsteen will continue to hold his rights in the work exclusively – in the original and your arrangement.

When you obtain permission to make an arrangement of a copyright work, the owner will help you understand these obligations so just ask if you are unsure.

If you arrange a copyright musical work without permission from the owner, or a relevant section of the Act to cover you, you are infringing on that creator's adaptation right and could be liable for this breach.

## CHAPTER FOUR: CHANGING AND PRINTING LYRICS

If you want to change the lyrics of a copyright work to fit your purposes this is an adaptation – just like an arrangement – and requires the copyright owner's permission.

**Just like with arrangements, you need to go to the copyright owner directly to gain this permission. APRA AMCOS can help you find the owner, if you email [print@apra.com.au](mailto:print@apra.com.au) with the title and composer/lyricist/arranger details.**

There are some circumstances under which adapting the lyrics to a musical work is not an infringement, such as for parody and satire, but you need to meet a number of criteria to qualify for this. For more information, visit [Arts Law](#) or the [Australian Copyright Council](#).

In some cases lyric changes may not need approval – for example changing “I love him” to “I love her” – but it is always best to check with the publisher no matter how insignificant you consider the change to be.



### PRINTING LYRICS

If you are going to print the lyrics of a copyright work you need to obtain permission from the copyright owner, just like you do to copy a musical work. APRA AMCOS can help you obtain permissions if you email [print@apra.com.au](mailto:print@apra.com.au).

This also applies to Christmas carols and hymns that are protected by copyright. If you are printing the lyrics for Christmas carols, there is a very useful resource on the [APRA AMCOS website](#) which will help you determine if the carols you are using are in the public domain or not. If they are still protected by copyright, the publisher contact details are also listed.

**Keep in mind that we are talking about copyright protected works only. If the work is in the public domain (music, lyrics and arrangement, as well as edition if applicable) then you don't need to seek licensing.**



# CHAPTER FIVE: PERFORMING MUSIC

As we explored in the introduction, there are a number of rights involved when using someone else's copyright work. We have mainly looked at reproduction and adaptation rights so far but now it's time to look at the other rights.

## **The first one is the performance right.**

This is the right to perform a musical work or sound recording in public. If you are performing in a domestic circumstance like your own home – for example running lessons out of your home studio – then you don't need performance licensing from APRA (who represents the creator's performance rights in Australia and New Zealand).

Similarly, if you are performing in an event organised and authorised by someone else – say you are invited to perform with the local community orchestra at the council Christmas carols this year – then you won't need to obtain the performance licence. (Keep in mind that you might still need to clear reproduction rights for your own copies, arrangements and lyric changes.)

The main thing to remember is that whomever is organising the event, and authorising the public performance of music and sound recordings is the one who must make sure the relevant APRA and PPCA licensing is in place.

## CONCERTS

If you hold an event in a public place – such as a recital of your students' performances – you must have an APRA licence to cover the performance right that you are exercising. The venue at which you perform could have a licence in place already but you must find out from them, or check with APRA by emailing [licence@apra.com.au](mailto:licence@apra.com.au).

If the venue licence doesn't cover you, you will need a Casual Event Licence from APRA. The application form for this licence can be found [online](#). You will need it whether or not there is an admission charge for the event and it's subject to a minimum fee.



## MUSICALS

If you want to put on a musical, then you first need to distinguish what kind of musical it is. A musical where the music in it has been written for use exclusively in that show – such as *Cats* or *Wicked* – is called a Grand Right Work. Grand Rights are administered directly by publishing companies that act as a representative to control the copyright. There is no licence available through APRA AMCOS to perform a Grand Right Work, but we can help you get in touch with the correct licensing body.

### **The following organisations represent a diverse catalogue of musicals and are also a great place to start:**

Dominie Pty Ltd  
([www.dominie.com.au](http://www.dominie.com.au))

Origin Theatrical  
([www.origintheatrical.com.au](http://www.origintheatrical.com.au))

Hal Leonard Australia Pty Ltd  
([www.halleonard.com.au](http://www.halleonard.com.au))

**When it comes to obtaining Grand Rights it is very important that you abide by the terms and conditions that come with the licence agreement from the publisher.**

If you are writing or performing what is called a 'jukebox' musical, this is what we call using a work in a Dramatic Context. Dramatic Context means that you are using existing music in conjunction with acting, costumes, scenic accessories and scripted dialogue or dramatic effects. For example, your students may write the script and use popular music to supplement the storyline.

There are two kinds of jukebox musicals, ones that you put together yourself, and ones such as *Strictly Ballroom* and *Shout!* that already exist. If you want to perform one that already exists, then you will need to follow the same process as with a Grand Right Work, noted above, and seek permission from the publisher representative.

If you want to write your own, however, you require a special kind of licensing through the APRA AMCOS Theatrical Licensing Department, and through the publisher directly.



## A few things to remember when it comes to writing your own Dramatic Context show, are:

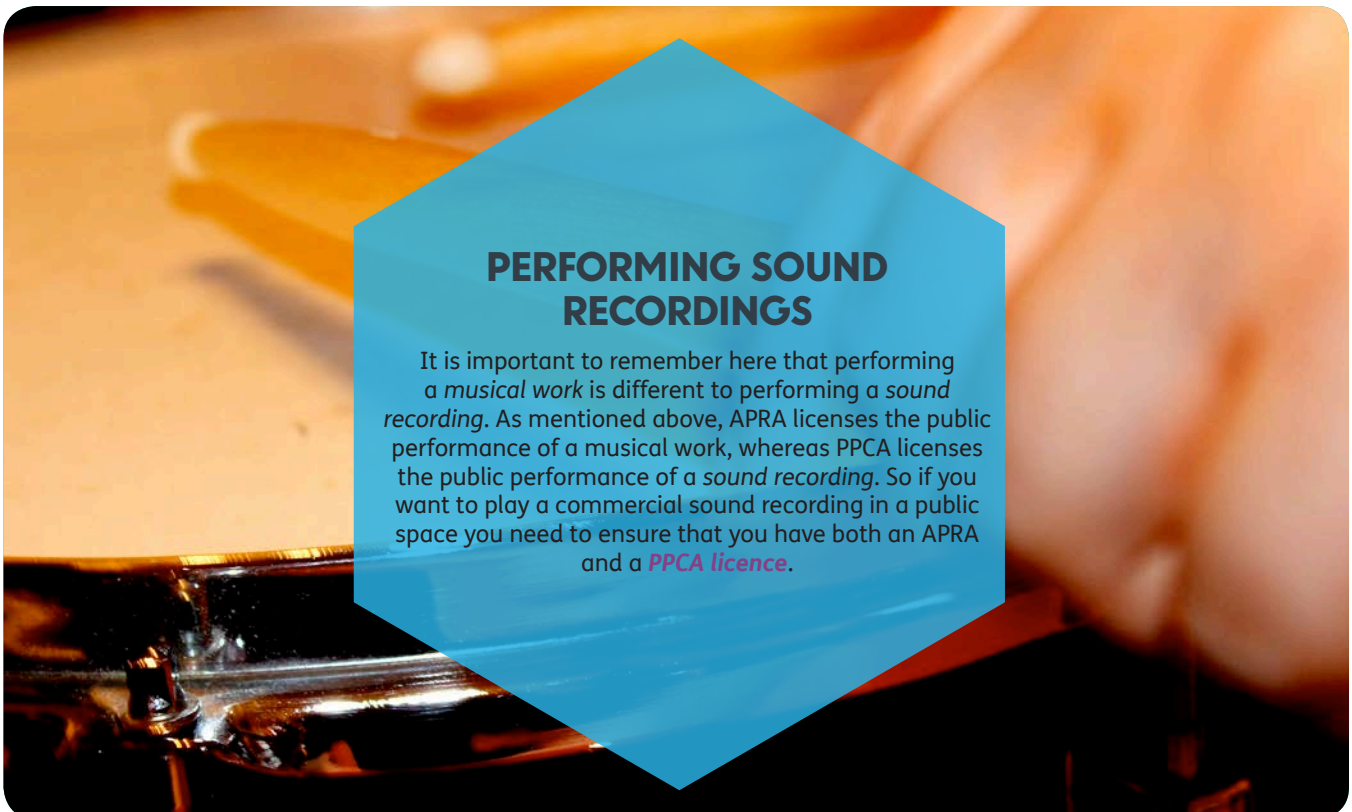
- If you are using songs from an existing musical/movie where those works have been written exclusively for use in that musical/movie then you cannot portray any of the context of that existing show without permission from the copyright owner. For example you could not perform *Circle of Life* from *The Lion King* dressed as African animals.
- If you are using a copyright storyline, such as *The Chronicles of Narnia* on which to base your show, you must obtain permission from the copyright owner of the original story.
- Most owners of musicals will not allow you to use more than three songs from any one movie or musical in your Dramatic Context show.

Contact [theatre@apra.com.au](mailto:theatre@apra.com.au) for more information on this and to get your licence application in. Licensing can take a few weeks to come through so make sure you leave enough time, and have some back up songs up your sleeve in case you have chosen any works that are not licensable in a Dramatic Context.



## PERFORMING SOUND RECORDINGS

It is important to remember here that performing a *musical work* is different to performing a *sound recording*. As mentioned above, APRA licenses the public performance of a musical work, whereas PPCA licenses the public performance of a *sound recording*. So if you want to play a commercial sound recording in a public space you need to ensure that you have both an APRA and a **PPCA licence**.



# CHAPTER SIX: RECORDING MUSIC

Making a recording of a copyright work means you are exercising the reproduction right and requires licensing or permission. There are two different types of recordings and two different formats that they come in. Each requires different kinds of licensing.



## AUDIO RECORDINGS IN A PHYSICAL FORMAT

You must have a licence to make an audio recording in a physical format, including learning tracks, accompaniments, backing tracks, analysis recordings and even professional recordings of your students. This licence is an Audio Manufacture Licence and can be obtained from APRA AMCOS by emailing [mehcllic@apra.com.au](mailto:mehcllic@apra.com.au).

If you are copying someone else's sound recording (i.e. burning a CD for your students), you will not only require the Audio Manufacture Licence, but also permission from the owner of the sound recording to use their version. **ARIA** can assist you if you need help finding the owner of the sound recording.

## AUDIO RECORDINGS IN A DIGITAL FORMAT

To make an audio-only recording available for download or streaming – by way of a website, intranet system or emailing – you need to have a licence in place through APRA AMCOS for the communication of that work. The licence required is an Online Mini Blanket Licence and can be obtained on the [APRA AMCOS website](http://apra.com.au).

Communicating existing sound recordings will also require permissions from the record company that owns the copyright in the recording. **ARIA** can assist you if you need help finding the owner of the sound recording.

## VIDEO RECORDINGS IN A PHYSICAL FORMAT

If you are making a video recording for a domestic use, such as recording a student recital and providing it to students for their personal use, you should obtain a Domestic Use Video Licence from APRA AMCOS by emailing [mehcllic@apra.com.au](mailto:mehcllic@apra.com.au).

If you want to make this video publicly available though, for example by screening it, entering it in festivals or competitions, putting it on the internet (including YouTube and Facebook) or selling it for a profit, then you must obtain licensing for what is called the synchronisation of the musical work and video footage.

This licence, similarly to print licences, comes directly from the copyright owner, which is usually a music publisher representing an artist's rights. If you email [mehcllic@apra.com.au](mailto:mehcllic@apra.com.au) they will be able help you find out who the copyright owner is and how to get in touch with them.

Similarly, using existing sound recordings in this way will require permissions from the record company that owns the copyright in the recording. **ARIA** can assist you if you need help finding the owner of the sound recording.



## VIDEO RECORDINGS IN A DIGITAL FORMAT

If you want to share an audio-visual recording – such as a clip from the end of year recital – in a digital format there are two rights to consider.

You must first obtain the right to synchronise the musical work and the video footage. This right comes directly from the publisher that controls the copyright in the work. APRA AMCOS can help you find out who this publisher is if you contact [mehcllic@apra.com.au](mailto:mehcllic@apra.com.au) with title and composer/ lyricist/arranger details.

To then communicate the audio-visual recording – for example by way of the internet – you need to have an **Online Mini Blanket Licence** in place with APRA AMCOS.

Even if the site you are placing recordings on is password protected, or if you want to share a recording with your student by emailing it to them after their lesson, you must ensure you have licensed the communication of that work. Contact the APRA Online and Broadcast team for more information at [online@apra.com.au](mailto:online@apra.com.au).

And don't forget that if your video contains an existing sound recording, you need to clear the rights to that as well through the record company label that owns it. **ARIA** can assist you if you need help finding the owner of the sound recording.

# CHAPTER SEVEN: ENTERING AN EISTEDDFOD OR EXAM

Eisteddfods are an incredible opportunity for musicians. They provide an excellent performance space, complete with constructive criticism, like-minded colleagues and loads of opportunities to grow as a performer.

**When it comes to organising or entering an eisteddfod there is a lot to think about, including copyright.**

## USING SHEET MUSIC

When you are entering an eisteddfod, you need to ensure that you are using legal sheet music. This includes purchasing an original score from a music retailer or a legal online provider (such as [www.sheetmusicplus.com](http://www.sheetmusicplus.com) or [www.sheetmusicdirect.com](http://www.sheetmusicdirect.com)), or borrowing an original score from a library, teacher or friend.

If you need to use photocopies in an eisteddfod or exam then you must obtain permission if the work and edition are in copyright.

APRA AMCOS can help you get in touch with the copyright owner for permission if you email the title and composer/lyricist/arranger details to [print@apra.com.au](mailto:print@apra.com.au). Make sure you allow at least six weeks before you need the copy just in case permissions take time to be processed.

Once you have determined that you are using legal sheet music you need to fill out the **APRA AMCOS Copyright Declaration Form**. The form needs to be provided to the eisteddfod, examination or competition organisers before your section, usually with your entry forms. You don't need to provide it to APRA AMCOS though. Some eisteddfods include the declaration form as part of their online entry process, in which case you only need to fill it out there.

**The form exists because Australian and New Zealand publishers have given a limited waiver to entrants of eisteddfods, examinations and competitions to use temporary copies of sheet music for this purpose only.**

## FILLING IN THE FORM

The first part of the form requests that you declare that you are performing from legal sheet music – including a photocopy licensed by the publisher owner – or by ear and therefore will not require sheet music.

The second and third sections need to be filled out if you are making a temporary copy of your sheet music for use by the examiner or adjudicator, or for use by an accompanist. If you are making these copies digitally – i.e. by scanning your sheet music and uploading it as part of the entry process – then you *must* delete the files immediately after uploading. You may not retain any digital files.

If you provide these copies as photocopies, they need to be destroyed. The organiser will destroy the copies used by examiners and adjudicators. You must destroy the accompanist copy.

Section four is only for band and orchestral entrants who are performing from photocopies provided to them by the auditioning body. You must return these copies to the organisers immediately upon completion and they will destroy them.

The fifth section is where you need to note which works you have copied for any of these purposes.

It is important to note that if you use any copies made under this waiver for anything other than that eisteddfod/examination/competition, this would be deemed as a copyright infringement, so make sure you destroy and delete!

## USING RECORDINGS IN AN EISTEDDFOD, EXAM OR COMPETITION

If you are using a backing track in an eisteddfod, exam or competition then you must ensure that you are using either an original recording – such as a CD you purchased from a retailer – or a licensed copy.

**To be able to copy a recording into a different format – such as from a CD onto an iPod – you may require licensing from **AMCOS** for the reproduction of the musical work, and from **ARIA** for the reproduction of the sound recording. If you are a dance school, you may have this licensing in place already through AMCOS and ARIA. It is important that you check with AMCOS by emailing [nonretlic@apra.com.au](mailto:nonretlic@apra.com.au).**



### MAKING RECORDINGS OF EISTEDDFODS

If you want to make a recording of your eisteddfod performance you must first clear this with the organisers. In most cases they won't allow this due to child protection issues but if they do, you may only make this recording for your personal and domestic use. If you want to share this video with friends and family you will require a Domestic Use Video Licence from AMCOS. You can get further information on this by emailing [nonretlic@apra.com.au](mailto:nonretlic@apra.com.au). You will also need to seek permissions from **ARIA** if you capture a commercial sound recording in your video.

**If you want to put that recording on the internet (including YouTube), screen it publicly or sell it you must obtain permission directly from the copyright owner.**

AMCOS can assist you with this process if you email [mehres@apra.com.au](mailto:mehres@apra.com.au), and ARIA can help you get permissions from the sound recording copyright owner if you email [licensing.mail@ppca.com.au](mailto:licensing.mail@ppca.com.au).

### IF I SEND MY STUDENT INTO EXAMS WITH PHOTOCOPIES, WHAT WILL HAPPEN?

If they are unlicensed photocopies, then technically the examiner should not be allowing that student to perform. In the end, the examiner will make the decision of whether or not to allow the student to continue but as the teacher, you should be ensuring that you don't put your students in that situation. Examinations are stressful enough for students without finding that they have shown up with illegal copies of their sheet music.

If you are sending your student into exams with *licensed* photocopies however, then you should make sure you provide that student with the permissions from the copyright owner in case they are questioned.



# CHAPTER EIGHT: THE SCHOOLS' AGREEMENTS

As you may be aware, many schools around Australia are party to blanket educational music licences through APRA AMCOS and ARIA. It is important to note that private and peripatetic instrumental and vocal teachers are *not* covered by these blanket agreements, even if they teach in a school. They apply only to classroom and support teachers within the school, for school and classroom activities. The licences don't cover any one-on-one or group tuition.

**Information on these agreements available on the [APRA AMCOS website](#).**

**All government schools in Australia have these licences automatically through the respective State and Territory governments.**

Catholic and independent schools can opt in through their peak governing body so it is important that they check with APRA AMCOS if they are unsure of their coverage.



## APRA PERFORMANCE LICENCE

This licence covers the public performance of copyright music at any event connected with the activities of the school, on or off campus. This includes assemblies, concerts, fetes, discos, graduation ceremonies, presentation days, services of worship, showcases and so on.

The limitations on this licence are mainly around performing musicals. It does not cover the performance of Grand Right Works which must be licensed directly by the copyright owner. Similarly, there is a limitation around the performance of works in a Dramatic Context in a secondary school. Information on these limitations can be found in the [APRA AMCOS Music Copyright Guide for Schools](#). All events must be non-profit to qualify under this licence.

## AMCOS PHOTOCOPY LICENCE

This licence is unique in that it is the only circumstance under which AMCOS is able to license the reproduction of sheet music. All other organisations, including private teachers, need to obtain copying rights directly from the copyright owner.

The Photocopy Licence allows schools to photocopy, transcribe and transpose a certain number of copies per original score owned by the school. The number allowed is determined by the kind of work (such as choral or band/orchestral).

Information on the copying allowances and marking requirements for this licence is available in the [APRA AMCOS Music Copyright Guide for Schools](#).

## APRA AMCOS ARIA MUSIC RECORDING AND ACCESS LICENCE

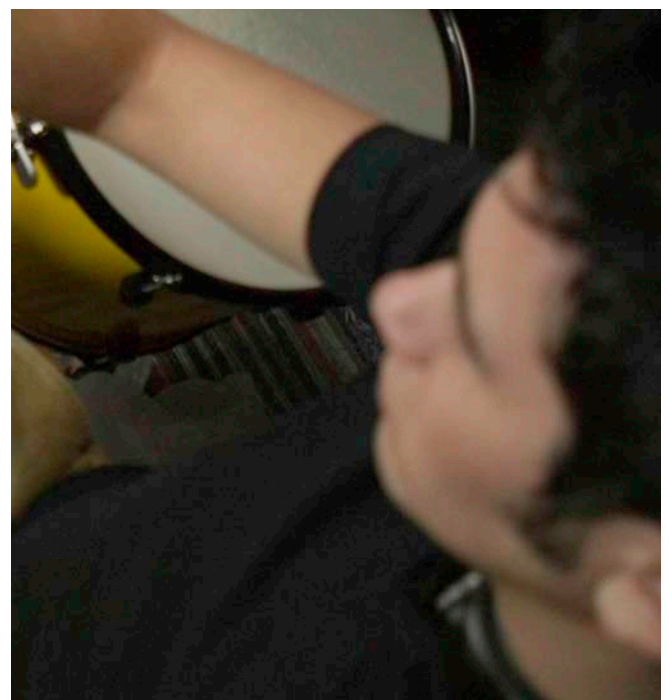
The Music Recordings and Access Licence is a joint licence agreement through APRA AMCOS and ARIA and allows staff and students to make audio and audio-visual recordings of and for school events. This includes making archival copies of events as well as making memento copies to sell or give to the school community.

This licence also allows staff and students to download and use musical works from legal online providers such as iTunes.

The agreement does not cover schools to place any audio or audio-visual recordings on the internet, but it does extend to allow them to place recordings on a password protected intranet system.

Information on this agreement can also be found in the [APRA AMCOS Music Copyright Guide for Schools](#).

If you are not covered by this agreement, or acting outside of its terms, then you should see Chapter Six of this guide to find out how to ensure you are properly licensed.



# CHAPTER NINE: LOOKING FOR MORE INFORMATION?

There are lots of great resources in Australia and New Zealand to help you obtain the information you seek on copyright.

## **AMPAL**

If you would like any further information on the music publishing industry or would like to know more about the role of AMPAL in Australia and New Zealand then you can visit the website at [www.ampal.com.au](http://www.ampal.com.au).

## **APRA AMCOS**

APRA AMCOS has a page on their website dedicated to private music teachers. You can find it here: [www.apraamcos.com.au](http://www.apraamcos.com.au)

## **THE COPYRIGHT COUNCIL OF AUSTRALIA**

The Copyright Council of Australia has a number of interesting fact sheets available on lots of different topics applicable to music teachers. Just head to [www.copyright.org.au](http://www.copyright.org.au)

## **THE NATIONAL COPYRIGHT UNIT**

There is a website called [www.smartcopying.edu.au](http://www.smartcopying.edu.au) which is geared towards teachers in TAFEs and schools but there is some useful information on there, especially surrounding creative commons licensing for private music teachers.

## **ARTS LAW**

As a private music teacher, is it very important to make sure you can access legal support if you ever need it. Arts Law is a fabulous resource for sole traders in the music industry who may require legal advice. You can find information on them here: [www.artslaw.com.au](http://www.artslaw.com.au)

## **THE MUSIC COUNCIL OF AUSTRALIA**

The MCA runs some great initiatives for the music community that can help you not only interact with fellow teachers, but also keep up to date with industry news, employment opportunities and other engagement opportunities. You can keep in touch with the MCA via their website: [www.mca.org.au](http://www.mca.org.au).